

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-777-C - ORDER NO. 95-1679 ✓
NOVEMBER 13, 1995

IN RE: Application of NeTel, Inc. for a Certifi-) ORDER
cate of Public Convenience and Necessity to) APPROVING
Provide Intrastate Resold Telecommunications) CERTIFICATE
Service within the State of South Carolina.)

This matter comes before the Public Service Commission of South Carolina (the Commission) by was of the Application of NeTel, Inc. (NeTel or the Company) requesting a Certificate of Public Convenience and Necessity authorizing it to operate as a reseller of intrastate interexchange telecommunications services in the State of South Carolina. The Company's Application was filed pursuant to S.C. Code Ann. §58-9-280 (Supp. 1993) and the Regulations of the Public Service Commission of South Carolina.

The Commission's Executive Director instructed NeTel to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of NeTel's Application and of the manner and time in which to file the appropriate pleadings for participation in the proceeding. NeTel complied with this instruction and provided the Commission with proof of publication of the Notice of Filing.

A hearing was commenced on November 1, 1995, at 11:00 a.m., in

the Commission's Hearing Room. The Honorable Rudolph Mitchell, Chairman, presided. NeTel was represented by Faye A. Flowers, Esquire. Catherine D. Taylor, Staff Counsel, represented the Commission Staff.

Due to weather conditions, the Company witness was unable to attend the hearing. However, Ms. Flowers, attorney for NeTel, offered the prefiled testimony into evidence, and it was so admitted. Additionally, she addressed certain issues relating to the tariff by utilizing explanations which the Company provided. Ms. Flowers stated that the Company had verbally agreed to make certain changes to its proposed tariff to comply with Commission guidelines and prior Orders. She relayed such explanations for informational purposes only and did not testify on behalf of the Company.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. NeTel is incorporated under the laws of the state of Delaware and is licensed to do business as a foreign corporation in the State of South Carolina by the Secretary of State.
2. NeTel operates as a non-facilities based reseller of interexchange services and wishes to provide its services in South Carolina.
3. NeTel has the experience, capability, and financial

resources to provide the services as described in its Application.

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to NeTel to provide intrastate interLATA service and to originate and terminate toll traffic within the same LATA, as set forth herein, through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), Foreign Exchange Service, Private Line Service, or any other services authorized for resale by tariffs of carriers approved by the Commission.

2. The Commission adopts a rate design for NeTel for its resale services which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order no. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

3. NeTel shall not adjust its rates below the approved maximum level without notice to the Commission and to the public. NeTel shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, the therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute

a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp. 1993).

4. NeTel shall file its revised maximum tariff and an accompanying price list within thirty (30) days of the date of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations, and shall include the changes which the Company agreed to include in its tariff. Also, the tariff shall be filed with the Commission in a loose-leaf binder.

5. NeTel is subject to access charges pursuant to Commission Order No. 86-584, in which the Commission determined that for access purposes resellers should be treated similarly to facilities-based interexchange carriers.

6. With regard to the Company's resale of service, an end-user should be able to access another interexchange carrier or operator service provider if they so desire.

7. NeTel shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If NeTel changes underlying carriers, it shall notify the Commission in writing.

8. With regard to the origination and termination of toll calls within the same LATA, NeTel shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993).

9. NeTel shall file surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. The proper form for these reports is indicated on Attachment A.

10. As a condition of receiving its Certificate, NeTel shall post with the Commission, as a bond, Certificates of Deposit worth \$5,000 from a Federally insured institution to protect the consumers of South Carolina. This condition may be reviewed in one year.

11. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

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ATTACHMENT A

ANNUAL INFORMATION ON SOUTH CAROLINA OPERATIONS
FOR INTEREXCHANGE COMPANIES AND AOS'S

COMPANY NAME

FEI NO.

ADDRESS

CITY, STATE, ZIP CODE

PHONE NUMBER

- (1) SOUTH CAROLINA OPERATING REVENUES FOR THE 12 MONTHS ENDING
DECEMBER 31 OR FISCAL YEAR ENDING _____.
- (2) SOUTH CAROLINA OPERATING EXPENSES FOR THE 12 MONTHS ENDING
DECEMBER 31 OR FISCAL YEAR ENDING _____.
- (3) RATE BASE INVESTMENT IN SOUTH CAROLINA OPERATIONS* FOR 12
MONTHS ENDING DECEMBER 31 OR FISCAL YEAR ENDING _____.
- * THIS WOULD INCLUDE GROSS PLANT, ACCUMULATED DEPRECIATION,
MATERIALS AND SUPPLIES, CASH WORKING CAPITAL, CONSTRUCTION
WORK IN PROGRESS, ACCUMULATED DEFERRED INCOME TAX,
CONTRIBUTIONS IN AID OF CONSTRUCTION AND CUSTOMER DEPOSITS.
- (4) PARENT'S CAPITAL STRUCTURE* AT DECEMBER 31 OR FISCAL YEAR
ENDING _____.
- * THIS WOULD INCLUDE ALL LONG TERM DEBT (NOT THE CURRENT PORTION
PAYABLE), PREFERRED STOCK AND COMMON EQUITY.
- (5) PARENT'S EMBEDDED COST PERCENTAGE (%) FOR LONG TERM DEBT AND
EMBEDDED COST PERCENTAGE (%) FOR PREFERRED STOCK AT YEAR ENDING
DECEMBER 31 OR FISCAL YEAR ENDING _____.
- (6) ALL DETAILS ON THE ALLOCATION METHOD USED TO DETERMINE THE
AMOUNT OF EXPENSES ALLOCATED TO SOUTH CAROLINA OPERATIONS AS
WELL AS METHOD OF ALLOCATION OF COMPANY'S RATE BASE INVESTMENT
(SEE #3 ABOVE).

SIGNATURE

NAME (PLEASE TYPE OF PRINT)

TITLE